

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

BRET JOHNSON,
PLAINTIFF,

V. CIVIL ACTION NO. 06-764

OFFICER H. GRAVES (BADGE #383);
SGT B. FRANKLAND (BADGE #770) &
OFFICER J. MILLO (#367),
DEFENDANTS.

PLAINTIFF, BRET JOHNSON'S, MOTION TO EXTEND TIME TO RESPOND
TO OFFICERS GRAVES AND FRANKLAND'S
MOTION FOR SUMMARY JUDGMENT

Plaintiff, Bret Johnson, files this his motion to extend time in which to respond to the motion for summary judgment. Plaintiff would show unto the Court as follows, to-wit:

1. Plaintiff's response to the motion for summary judgment is due. Plaintiff's counsel, with all due respect, requests leave of the Court to file Plaintiff's response on today, February 27, 2008. The reason for this request is that Plaintiff's counsel (1) did not know of Defendants Officer Graves and Frankland's motion for summary judgment and (2) thought that Defendants had filed only summary judgment motion, being that of Defendant Officer J. Millo. In that regard, on February 11, 2008,

Plaintiff filed a Voluntary Stipulation of Dismissal as to Officer J. Millo (doc. entry 22).

Consultation with Opposing Counsel

2. Consultation with opposing counsel occurred on today's date, February 27, 2008; opposing counsel opposes this motion.

It is prayed that this motion be granted in all parts.

DATE: February 27, 2008.

Respectfully submitted,

/S/ ANTHONY P. GRIFFIN

ANTHONY P. GRIFFIN
ATTORNEY-IN-CHARGE

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ATTORNEYS FOR PLAINTIFF
BRET JOHNSON

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CERTIFICATE OF SERVICE

This is to certify that on this the 27th day of February, 2008, a true and correct copy of the foregoing Plaintiff's Motion to Extend Time to Respond to Defendants Officers Graves and Frankland's Motion for Summary Judgment was forwarded to opposing counsel consistent with the Court's rules with regard to electronic filing, to-wit:

WILLIAM S. HELFAND
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/s/ ANTHONY P. GRIFFIN

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